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August 16, 2021

Via ECF

Honorable Ona T. Wang
United States Magistrate Judge
U.S. District Court Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *BSG Resources Guinea Limited et al. (BSGR) v. George Soros et al.*, No. 1:17-cv-02726 (JFK) (OTW)

Dear Judge Wang:

As co-counsel for Plaintiffs, we write respectfully to update Your Honor and counsel for Defendants concerning the depositions of Mr. Beny Steinmetz and Mr. Dag Cramer.

We had previously reported to the Court that both Mr. Steinmetz and Mr. Cramer are not under the “legal or practical control of the Joint Administrators” and that neither “has the functional authority to control or exercise judgment and discretion for BSGR” (ECF 244 at 1). We also advised the Court that Plaintiffs’ counsel does not represent either individual (*id.* at 4-5). Nonetheless, we reported that we had been advised that they intended voluntarily to be deposed remotely in their individual capacity in this matter (ECF 244 at 5). We did that on the basis of written confirmations. The Court then directed the parties to meet and confer and agree on dates for those depositions (ECF 253). The parties did so and, again based on written confirmations, reported those dates to the Court (August 24 for Mr. Cramer and August 29 for Mr. Steinmetz) (ECF 256). The Court then ordered those dates for those voluntary depositions (ECF 258).

Unfortunately, we have just today been informed by new Swiss counsel for Mr. Steinmetz that he has advised Mr. Steinmetz not to be deposed in this action at this time given the pendency of the criminal appeal in Switzerland. Also today counsel for Mr. Cramer, who is new to us, has informed us that Mr. Cramer is no longer available on August 24, and he has raised other issues as well. We feel it is better that these new counsel speak for themselves. Accordingly, we are copying here counsel for Mr. Steinmetz and Mr. Cramer.

Respectfully,

A handwritten signature in blue ink, appearing to read "Louis M. Solomon".

Louis M. Solomon

cc: Counsel of Record (via ECF), Daniel Kinzer (via email), David Barnett (via email), Craig Pollack (via email).